

REMARKS

In the **final** Office Action mailed May 12, 2010, the Office noted that claims 16, 17, 19, 20 and 22-26 were pending and rejected claims 16, 17, 19, 20 and 22-26. In this Amendment, claims 16, 20 and 22-26 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 16, 17, 19, 20 and 22-26 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 16, 17, 19, 20 and 22-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Park, U.S. Patent Publication No. 2005/0025003 in view of Hwang, U.S. Patent Publication No. 2008/0101181 in view of Ito, U.S. Patent Publication No. 2003/0137909. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Claim 16 has been amended to further recite "in the shared area, the evacuation data is separately recorded from the defect management information, an area portion in the shared area, into which the evacuation data is recorded, is outer than an area portion in the shared area, into which the defect management information is re-corded." Support for the

amendment may be found, for example, in Figs. 4 and 11 and page 31, lines 14-17 of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims. Claims 20 and 22-26 have likewise been amended.

Park (and the provisional application of Park) discusses that (i) the PSN (Physical Sector Number) of the replacement cluster is read from the Address Unit of the Access Block in the read replacement cluster included in the OSA1 (Outer Space Area 1) and (ii) the PSN of the defective cluster is read from the Address Unit of the Access Block in the read replacement cluster included in the OSA1.

However, according to Park (and the provisional application of Park), (i) both of the PSN of the replacement cluster and the PSN of the defective cluster are collectively recorded in the same replacement cluster, and (ii) these replacement clusters are placed in the OSA1.

Therefore, Park (and the provisional application of Park) does not disclose that the PSN of the replacement cluster and the PSN of the defective cluster are separately recorded in the OSA1. In other words, Park (and the provisional application of Park) does not disclose that (i) the area portion in the OSA1 into which the PSN of the replacement cluster is recorded is outer than the area portion

in the OSA1 into which the PSN of the defective cluster is recorded.

Likewise the same argument can be applied to Hwang (and the provisional application of Hwang) and Ito. Namely, each of Hwang (and the provisional application of Hwang) and Ito does not disclose the above novel features of the present invention at all.

Further, according to the present invention, because an area portion in the shared area, into which the evacuation data is recorded, is outer than an area portion in the shared area, into which the defect management information is recorded, the recording areas are not separated like the optical disc in the comparison, and the defect management information and the evacuation data are recorded into the same shared area.

Such a feature does not cause the technical disadvantage that the record data cannot be recorded although there is still a space area, which is caused by the fact that the recording is completed first until the limit of the recording capacity in either the area to record therein the defect management information or the area to record therein the evacuation data. In other words, it is possible to use the recording capacity (specially, the recording capacity of the shared area) to the greatest extent, by using the shared

area corresponding to the above-mentioned two areas for recording.

Further, even in the case where the data capacity of the defect management information is larger than that of the evacuation data, and on the contrary, in the case where the data capacity of the evacuation data is larger than that of the defect management information, or in similar cases, if there is a space area in the shared area, these data can be recorded properly, and this results in the proper defect management (see page 36, lines 3 to 19 of the Specification of the present application).

For at least the reasons discussed above, Park and Hwang, taken separately or in combination, fail to render obvious the features of claims 16, 20 and 22-26 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 16, 17, 19, 20 and 22-26 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a

condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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